

# **Exhibit 5**

State of North Carolina  
Department of Environment  
and Natural Resources  
Wilmington Regional Office

Michael F. Easley, Governor  
William G. Ross, Jr., Secretary



September 27, 2007

Mr. Bobbie McLawhorn  
5909 Hwy 17 South  
New Bern, North Carolina 28562

SUBJECT: Notice for Referral for the Banks Farm, Facility Number 52-2

Dear Mr. McLawhorn,

On September 17, 2007 a routine operation review was conducted at the Banks Farm, facility number 52-2, in Jones County. This operation review, undertaken in accordance with General Statute 143-215.10D, is one of two routine site visits scheduled for all subject animal operations in 2007.

During the review, it was noted that the Plant Available Nitrogen (PAN) was applied on the 2007 corn crop in excess of the Certified Animal Waste Management Plan. Over applied PAN amounts were as follow:

- Pull #16 at 9.71 lb PAN/acre
- Pull #20 at 11.32 lb PAN/acre
- Pull #21 at 11.32 lb PAN/acre

It was for this reason that your operation was referred to the Division of Water Quality for further investigation and possible enforcement action. General Statute 143-215.10E requires staff from the Division of Soil and Water Conservation to notify the Division of Water Quality and the owner/operator of this observed violation.

Thank you for your cooperation with this operation review. Please contact me if you have any questions or need additional information at 910-796-7406.

Sincerely,

Will Burke  
Environmental Specialist

cc: David May, Division of Water Quality  
Keith Metts, Jones Soil & Water Conservation District  
Vernon Cox, Division of Soil & Water Conservation  
Amy Andrews, Cooperative Extension Service